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Dar-Ming Chiang

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
600 GALLERIA PARKWAY  
STE 1500  
ATLANTA, GA 30339

EXAMINER

DESAI, ANISH P

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Continuation of Box 3:**

It is noted that Applicant has incorporated claim 45 into claim 39, thus claim 39 is now claim 45. The proposed modification to claim 39 changes the scope of the dependent claims that depend from the newly amended claim 39, creating combinations that were previously not considered. Therefore, further search and consideration is necessary.

**Continuation of Box 11:**

Regarding Applicant's response, the response is not found persuasive because it relies on an amendment that is not entered into consideration.

**Continuation of Box 13:**

It is noted that Applicant has asserted that the Examiner has made the Office Action dated 07/13/07 FINAL even though it was the first action following RCE. Applicant asserts that this is improper because claims were amended in the submission that accompanied the RCE and the amendment would have been refused entry had it not been filled with RCE. It appears that Applicant has misunderstood the Examiner's reasons for making first action following RCE final. The Office Action was made final because the amendment submitted with the RCE were previously entered into consideration by the Examiner when Applicant filled the After Final amendment on 02/09/07. The Examiner respectfully requests Applicant to review the Advisory Action dated 03/02/07. The claims in the RCE were drawn to the same invention that was claimed in the After Final amendment. Thus, the first action on the RCE was made FINAL. The Examiner respectfully reminds Applicant that if he/she continues to

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disagree with the Examiner's position then a petition to remove the finality of the FINAL rejection should be filled by the Applicant.